

EXHIBIT 23

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

--x

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

vs.

CASE NO. 6:19-cv-01567-TMC

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;
ALEX AZAR, in his official capacity as SECRETARY of
the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ADMINISTRATION FOR CHILDREN AND FAMILIES;
LYNN JOHNSON, in her official capacity as ASSISTANT
SECRETARY of the ADMINISTRATION FOR CHILDREN AND
FAMILIES;
SCOTT LEKAN, in his official capacity as PRINCIPAL
DEPUTY ASSISTANT SECRETARY of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;
HENRY MCMASTER, in his official capacity as
GOVERNOR of the STATE OF SOUTH CAROLINA;
MICHAEL LEACH, in his official capacity as STATE
DIRECTOR of the SOUTH CAROLINA DEPARTMENT OF SOCIAL
SERVICES.

Defendants.

VIDEOTAPED

DEPOSITION OF: LAUREN COLLINS STAUDT
(APPEARING VIA VIRTUAL ZOOM)

DATE : June 4, 2021

TIME: 9:05 AM

REPORTED BY: TERRI L. BRUSSEAU
(APPEARING VIA VIRTUAL ZOOM)

Page 2

1 **LOCATION OF**
2 **THE DEPONENT:** **Law Offices of**
3 **Davidson Wren & DeMasters**
4 **1611 Devonshire Drive, 2nd Floor**
5 **Columbia, SC**
6 **TAKEN BY:** **Counsel for the Plaintiffs**
7 **(Rebecca Schindel)**

8 **APPEARANCES OF COUNSEL:**

9 **ATTORNEYS FOR THE PLAINTIFFS**
10 **EDEN ROGERS and BRANDY WELCH:**
11 **CRAVATH SWAINES & MOORE, LLP**
12 **BY: KATE JANSON**
13 **(APPEARING VIA VIRTUAL ZOOM)**
14 **REBECCA SCHINDEL**
15 **(APPEARING VIA VIRTUAL ZOOM)**
16 **MALAVIKA (MIKA) MADGAVKAR**
17 **(APPEARING VIA VIRTUAL ZOOM)**
18 **Worldwide Plaza**
19 **825 Eighth Avenue**
20 **New York, NY 10019**
21 **(212) 474-1989**
22 **kjanson@cravath.com**
23 **rschindel@cravath.com**
24 **mmadgavkar@cravath.com**

25 **LAMBDA LEGAL DEFENSE AND EDUCATION**
26 **FUND, INC.**
27 **BY: CURREY COOK**
28 **(APPEARING VIA VIRTUAL ZOOM)**
29 **MAIA ZELKIND**
30 **(APPEARING VIA VIRTUAL ZOOM)**
31 **120 Wall Street, 19th Floor**
32 **New York, NY 10005**
33 **(212) 809-8585**
34 **ccook@lambdalegal.org**
35 **mzelkind@lambdalegal.org**

Page 3

1 ATTORNEYS FOR THE DEFENDANT
2 MICHAEL LEACH, IN HIS OFFICIAL CAPACITY
3 AS STATE DIRECTOR OF SOUTH CAROLINA
4 DEPARTMENT OF SOCIAL SERVICES:

5 DAVIDSON WREN & DEMASTERS, PA
6 BY: JONATHAN RIDDLE
7 (APPEARING VIA VIRTUAL ZOOM)
8 1611 Devonshire Drive, Suite 200
9 Columbia, SC 29204
10 (803) 806-8222
11 jriddle@dml-law.com

12 ATTORNEYS FOR THE DEFENDANTS
13 HEALTH AND HUMAN SERVICES,
14 ADMINISTRATION FOR CHILDREN AND
15 FAMILIES, THE SECRETARY OF HHS, LYNN
16 JOHNSON, THE ASSISTANT SECRETARY OF
17 ADMINISTRATION OF CHILDREN AND
18 FAMILIES, AND STEVEN WAGNER, ASSISTANT
19 SECRETARY OF ADMINISTRATION CHILDREN
20 AND FAMILIES:

21 UNITED STATES ATTORNEY'S OFFICE
22 DISTRICT OF SOUTH CAROLINA
23 BY: CHRISTIE NEWMAN,
24 ASSISTANT UNITED STATES ATTORNEY
25 (APPEARING VIA VIRTUAL ZOOM)
55 Beattie Place, Suite 700
Greenville, SC 29601
(864) 282-2100
newman@usdoj.gov

26 ATTORNEYS FOR THE DEFENDANT
27 HENRY MCMASTER, IN HIS OFFICIAL
28 CAPACITY AS GOVERNOR OF THE STATE OF
29 SOUTH CAROLINA:
30 NELSON MULLINS RILEY & SCARBOROUGH, LLP
31 BY: MILES COLEMAN
32 (APPEARING VIA VIRTUAL ZOOM)
33 1320 Main Street, 17th Floor
34 Greenville, SC 29201
35 (803) 799-2000
36 miles.coleman@nelsonmullins.com

Page 4

1 **ALSO PRESENT:**

2 **George Libbares, Concierge Technician**
3 **(Appearing Via Virtual Zoom)**

4 **Darin Weaver, Video Technician**
5 **(Appearing Via Virtual Zoom)**
6 **(INDEX AT REAR OF TRANSCRIPT)**

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT REPORTER: I'll take care of
2 that.

3 MR. COLEMAN: Thank you.

4 MS. JANSON: Okay. That should be
5 loading now.

6 BY MS. SCHINDEL:

7 Q. So this is -- for the record, this is
8 Exhibit 17. It is Bates stamped Miracle_Hill_
9 Subp_008026 to 028.

10 And this is a letter from DSS to
11 Senators Shealy, Young, Climer and Turner dated
12 February 28, 2018. Have you seen this document
13 before?

14 A. Really, I don't have it -- doesn't look
15 familiar to me.

16 Q. Okay. Well, we'll just spend a few
17 minutes with it. Do you agree that this document
18 is a letter from DSS to -- to the senators that I
19 listed out before?

20 A. Yes.

21 Q. Do you agree that in the second
22 paragraph, it says -- it says: Last year the
23 Department and MHM -- would you agree that MHM is a
24 reference to Miracle Hill --

25 A. Yes.

Page 160

1 Q. -- began having conversations regarding
2 MS -- MHM's practice of refusing services to foster
3 and adoptive families who are not Protestant
4 Catholic -- excuse me, Protestant Christian, e.g.,
5 Catholic, Episcopalian, Jewish, etc., in light of
6 federal regulations.

7 And then the paragraph below that says:
8 In response to your request letter dated February
9 21st, 2018, please find responsive documents
10 attached and more fully described below.

11 And then there's an italics below that
12 that says: That DSS provide us with documentary
13 evidence to substantiate its position that Miracle
14 Hill may be unlawfully discriminating on the basis
15 of religion potentially in violation of various
16 South Carolina Code of Regulations?

17 A. Yes.

18 Q. And federal regulations. And then you
19 see below that that there are attachments listed
20 out, Attachments 1 through 10?

21 A. Yes.

22 Q. And do you see that attachment one
23 says: Excerpt from MHM 2017 licensing renewal
24 submission containing MHM's description of its
25 foster home program -- program describing

Page 161

1 qualifications, including the requirements that a
2 foster parent must, quote, one, be a born-again
3 believer in the Lord Jesus Christ as expressed by a
4 personal testimony and Christian conduct; two, be
5 in agreement without reservation with the doctrinal
6 statement of Miracle Hill Ministries; three, be an
7 active participant in --

8 COURT REPORTER: Rebecca. Rebecca,
9 you're -- Rebecca, you're going to have to slow
10 down for me. Start with number two.

11 MS. SCHINDEL: Two, be in agreement
12 without reservation with the doctrinal statement of
13 Miracle Hill Ministries; three, be an active
14 participant and in good standing with a Protestant
15 church, close quote, et cetera.

16 Do you see that?

17 A. Yes.

18 Q. And do you -- it says that an excerpt
19 from Miracle Hill's licensing renewal submission,
20 right?

21 A. Yes.

22 Q. And those are materials that you would
23 have received and reviewed?

24 A. I may not have -- I may not have
25 reviewed it, but, yes, it would have gone with the

1 packet that came through.

2 Q. So then if we could tab -- excuse me,
3 mark Tab 45.

4 (EXHIBIT 18, Document entitled
5 Attachment 1 (Miracle Hill Foster Home Program),
6 MIRACLE_HILL_SUBP_007963 to 008025, was marked for
7 identification.)

8 MS. JANSON: That should be coming up
9 now.

10 MS. SCHINDEL: Okay.

11 MR. RIDDLE: Still loading.

12 BY MS. SCHINDEL:

13 Q. This is -- I'll just read into the
14 record while it's loading if that's all right.
15 This is Exhibit 18 Bates stamped
16 Miracle_Hill_Subp_007963 to 8025. And if you'd
17 just let me know when it -- when it loads for you.

18 A. Wait one second.

19 Q. Sure.

20 MR. RIDDLE: There you go.

21 THE WITNESS: All right.

22 BY MS. SCHINDEL:

23 Q. All right. So if you are able to
24 scroll through, I think you'll find this is a
25 series -- a PDF with ten different attachments in

1 it.

2 A. Um-hum.

3 Q. Does that look right to you?

4 A. Yes.

5 Q. And if you were to compare -- I know
6 it's hard to look at two exhibits at once, but I'll
7 submit to you that these attachments line up with
8 the attachments referenced in that letter on Tab
9 44.

10 If you look at Tab -- Attachment 1,
11 which is what we were just reading from a moment
12 ago and then the letter, and do you recall that
13 that was the excerpt from Miracle Hill's foster
14 care program?

15 A. Yeah.

16 Q. And that was submitted in the -- with
17 the 2017 licensing renewal based on that letter.
18 And if you look at the second paragraph here, it
19 says -- have you -- have you seen this document
20 before?

21 A. I'm sure I have, yeah.

22 Q. And the second paragraph says: A
23 foster parent for Miracle Hill must, and then it
24 repeats the things that we just read a moment ago
25 into the record, be a born-again believer in the

Page 164

1 Lord Jesus Christ as expressed by a personal
2 testimony of Christian conduct, et cetera.

3 Do you agree that this aligns with the
4 excerpt we just read a moment ago?

5 A. Yes.

6 Q. And then do you see Number 5 in this
7 list of what a foster parent for Miracle Hill must
8 be?

9 A. Yes.

10 Q. And it says: Have a lifestyle that is
11 free of sexual sin, to include pornographic
12 material, homosexuality and extramarital
13 relationship. Right?

14 A. Yes.

15 Q. So -- and this would have been the 2017
16 submission to DSS, is that right?

17 A. I mean, you -- you told me that. I
18 don't -- I guess. I don't know how I --

19 Q. Do you agree that the letter that DSS
20 sent to the senators states that this is in the
21 2017 licensing renewal packet?

22 A. Yes, correct.

23 Q. So do you agree that this document from
24 Miracle Hill suggests that it will -- that a foster
25 parent from Miracle Hill cannot be in a same sex

1 relationship?

2 A. That's what this says, yes.

3 Q. So do you agree that Miracle Hill was
4 discriminating on the basis of sexual orientation?

5 A. It's possible, yes.

6 Q. Do you interpret that differently?

7 A. I -- just one of their beliefs that
8 they have got down here.

9 Q. So do you agree that DSS was providing
10 this information that Miracle Hill was
11 discriminating on the basis of sexual orientation
12 in 20 -- before 2018?

13 A. Yes.

14 Q. Okay. Earlier you had identified Oasis
15 of Hope as one of the CPAs that was licensed last
16 year, is that right?

17 A. Yes.

18 Q. What were the other three CPAs?

19 A. Mindful Missions, Innovative Solutions,
20 and we are just licensing an adoption agency called
21 Abiding Love.

22 Q. And is it accurate -- oh, I'm sorry.

23 A. The adoption agency does not do -- will
24 not do foster care licensing.

25 Q. I see. So there are -- there are three